

HOUSE BILL No. 1468

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-10-4-5; IC 3-11-4; IC 3-12-4.

Synopsis: Military and overseas voters. Requires the names of the nominees for President and Vice President of the United States to be certified to the election division not later than September 1 before the general election. Requires information provided to absent uniformed services voters and overseas voters to inform the voter: (1) that the voter's attorney in fact may apply for an absentee ballot for the voter; and (2) about casting a special write-in absentee ballot. Provides that absentee ballots for President of the United States must be printed and delivered to the circuit court clerk at the same time as other absentee ballots. Requires absentee ballots from absent uniformed services voters and overseas voters to be counted if received not later than noon on the Friday after election day and if the postmark, timestamp, or other evidence demonstrates that the voter voted the ballot before the time the polls closed in the county in which the absentee ballot is to be counted. Requires the election commission to study the feasibility of receiving absentee ballots from absent uniformed services voters and overseas voters over the Internet.

Effective: July 1, 2005.

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January 18, 2005, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1468

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-10-4-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) This subsection applies to a
3 major political party and to a political party subject to IC 3-8-4-10. The
4 state chairman of each political party shall certify to the election
5 division the names of the nominees of the party for President and Vice
6 President of the United States and the state of which each nominee is
7 a resident.
8 (b) If candidates for presidential electors are nominated by
9 petitioners instead of by a convention of a major political party or a
10 party subject to IC 3-8-4-10, the petitioners shall certify with the list of
11 names of electors:
12 (1) the names of their nominees for President and Vice President
13 of the United States;
14 (2) the state of which each nominee is a resident; and
15 (3) the name of the political party of the nominees, or that the
16 nominees are an independent ticket.
17 (c) This subsection applies to a political party described in



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subsection (a) and to candidates nominated by petitioners under subsection (b). The names of:

- (1) all candidates for presidential electors; and
- (2) all nominees for President and Vice President of the United States;

shall be certified to the election division not later than noon on ~~the second Tuesday~~ in September 1 before the general election. The election division shall certify to each county election board not later than noon on ~~the next following Thursday~~ in September 3 before the general election the names of the nominees for President and Vice President of the United States certified to the election division under this subsection.

(d) The names of all candidates for presidential electors for a write-in candidate shall be included on the declaration for candidacy filed by a write-in candidate for the office of President or Vice President of the United States filed under IC 3-8-2.

SECTION 2. IC 3-11-4-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) In accordance with 42 U.S.C. 1973ff-1(b), the election division is designated as the single office in Indiana responsible for providing information regarding voter registration procedures under IC 3-7 and absentee ballot procedures under this chapter to be used by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in Indiana.

(b) The information provided to absent uniformed services voters and overseas voters under this section must include the following:

(1) The following information regarding an application for an absentee ballot:

(A) A statement that the voter's attorney in fact may apply for an absentee ballot for the voter under section 2 of this chapter.

(B) The procedures required for the attorney in fact to apply for an absentee ballot for the voter.

(2) The following information regarding casting a special write-in absentee ballot:

(A) A statement that the voter may cast a special write-in absentee ballot.

(B) The conditions and procedures for the voter to cast a special write-in absentee ballot.

(C) A statement explaining how a special write-in absentee ballot will be treated under IC 3-11-10-12.

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SECTION 3. IC 3-11-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. (a) Except as provided in ~~subsections~~ **subsection** (b), ~~and (c)~~, the absentee ballots that are prepared and printed under the direction of the election division shall be delivered to the circuit court clerk or the clerk's authorized deputy not ~~less~~ **later** than:

(1) forty-five (45) days before a general election; or

(2) twenty-nine (29) days before a special election.

The absentee ballots shall be delivered in the same manner that other official ballots are delivered.

~~(b) This subsection applies to the printing of absentee ballots for a general election in which the names of nominees for President and Vice President of the United States are to be printed on the ballot. The absentee ballots that are prepared and printed under the direction of the election division shall be delivered to the circuit court clerk not later than thirty-eight (38) days before the general election.~~

~~(c)~~ **(b)** An absentee ballot described by section 12(d) of this chapter shall be delivered by the election division to the circuit court clerk or the clerk's authorized deputy not later than the first Monday in June before a general election.

SECTION 4. IC 3-11-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. ~~(a) Except as provided in subsection (b)~~, The absentee ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2) ~~at least:~~ **not later than:**

(1) forty-five (45) days before a general, primary, or municipal election;

(2) thirty-two (32) days before a special election.

~~(b) This subsection applies to the printing of absentee ballots for a general election in which the names of nominees for President and Vice President of the United States are to be printed on the ballot. The absentee ballots that are prepared and printed under the direction of a county election board shall be delivered to the circuit court clerk (or the board acting under IC 3-6-5.2) not later than thirty-eight (38) days before the general election.~~

SECTION 5. IC 3-12-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) At 6 p.m. on each election day, the county election board shall assemble in a room to canvass the certificates, poll lists, and tally papers returned by each inspector in the county. ~~and to declare the results of the election as provided in this chapter.~~

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(b) The canvassing must be performed in public under IC 5-14-1.5. However, the board may restrict access to parts of the room where election material is being handled or transported to safeguard the material.

(c) Except as provided in section 7 of this chapter, the county executive shall provide a room in the courthouse that contains adequate space to permit members of the public to witness the canvassing of votes.

SECTION 6. IC 3-12-4-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 6.5. (a) This section applies to an absentee ballot received from an absent uniformed services voter or an overseas voter:**

(1) after the deadline to receive absentee ballots on election day;

(2) not later than noon on the Friday after election day; and

(3) with a postmark, timestamp, or other evidence that demonstrates that the voter cast the ballot before the time the polls closed in the county.

(b) If the county election board receives a ballot described in subsection (a), the county election board shall count the ballot.

(c) The county election board shall:

(1) meet not later than noon on the Monday following the election; and

(2) canvass and tabulate ballots described in subsection (a).

(d) After tabulating the ballots under subsection (c), the county election board shall add the votes tabulated under this section to the vote totals determined under section 6 of this chapter.

(e) After determining the vote totals under subsection (d), the county election board shall declare the results of the election as provided in this chapter.

(f) The county election board shall canvass and tabulate ballots under this section in the same fashion as the county election board canvasses and tabulates ballots under section 6 of this chapter.

SECTION 7. [EFFECTIVE JULY 1, 2005] (a) The definitions in IC 3-5-2 apply throughout this SECTION.

(b) The commission shall study the feasibility of receiving absentee ballots from absent uniformed services voters and overseas voters over the Internet.

(c) The commission shall provide a report of its findings and recommendations to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2006.

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1 (d) This SECTION expires January 1, 2007.

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